Wherefore, both the parties pray that an award may kindly be passed accordingly.

Hassan
5-10-1974.

(Sd.) K. M. Raghava
I party.

(Sd.)
For I Party

(Sd.) B.T. Laxmaiah
II party.

Execution admitted beforeme

H. S. VENKATASUBBAIAH,
Presiding Officer,
5-10-1974.

ORDER

Bangalore, dated 5th November 1974.

S. O. 2573.—WHEREAS by State Government Order No. FCL 1428 LLD 71,dated 29th May 1972, the Industrial Dispute between the workmen and the management of Malnad Match Works. Shanthigrama, Hassan District was referred to the Labour Court, Mangalore for adjudication.

AND, WHEREAS the Labour Court, Mangalore has submitted to the State Government its Award in respect of the said Industrial Dispute.

NOW, THEREFORE, in exercise of the powers conferred by section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Karnataka are pleased to direct the publication of the said award as above, in the *Karnataka Gazette*.

[No. SWL 222 LLA 74.]

By Order and in the name of the Governor of Karnataka,

K. MYLARAPPA,
Under Secretary to Government,
Social Welfare and Labour Department.

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GOVERNMENT OF KARNATAKA.

SOCIAL WELFARE AND LABOUR SECRETARIAT

Labour Dispute :—Industrial dispute between the work men and the management of the Mysore Spun Concrete Pipe Co. (Pvt) Ltd., 4th Floor, Bank of India Building, Bangalore-560009.

Award of the Presiding Officer, Labour Court, Bangalore—Published.

Read the following papers :

(1) Letter No. 1288/74–75, dated 29th October 1974 fromSri P. Srinivasacharya, Presiding Officer, Labour Court, Bangalore:

BEFORE THE PRESIDING OFFICER, LABOUR COURT, BANGALORE

Dated this 29th day of October 1974

Present :

Sri P. Srinivasacharya B.A., LL.B., *Presiding Officer.*

Reference No. 126 of 1974

I Party :—

Workmen represented by the General Secretary, Karnataka Commercial Employees. Assiocation, No. 17, Anjaneya Temple, I street, Bangalore–560020.

-Vs-

II Party :—

The Management of the Mysore Spun Concrete Pipe Co., (Pvt.) Ltd., 4th Floor, Bank of India Building, Bangalore–560009.

Reference.—Government Order No. SWL 528 (2) LLD 74, dated 29th July 1974.

AWARD

1. The Government of Karnataka in their Order No. SWL 528 (2) LLD 74, dated 29th July 1974 have referred an industrial dispute existing between the above named parties to this Court for adjudication on the points of dispute noted below :—

> "Are the management of the Mysore Spun Concrete Pipe Company (Pvt.) Ltd., 4th Floor, Bank of India Buildings, K. G. Road, Bangalore-9, justified in terminating the services of the following workmen with effect from 24th April 1974 :—
>
> Sri P. V. George, Sri K. Nagaraj, Sri Vasanth, Sri A. Venkatesh, Sri Chikkanna, Sri K. S. Nanjundaiah, Sri P. V. Gopalakrishna, Sri M. Gopinath. Miss, Suguna and Miss. Sarah.
>
> If not to what relief the workmen are entitled ?"

2. On receipt, the reference was registered as Reference No. 126 of 1974 and notices were sent to parties to file their statements. The notices were duly served. In spite of service, the first party neither was present nor filed their claim statement and remained absent right from the beginning. In the circumstances, I am constrained to proceed under Rule 23 of the Industrial Disputes (Karnataka) Rules as if the Ist Party workmen were present and had been duly represented.

3. The second party was present and filed their statement on 22nd October 1974 wherein it is stated as follows :—

The employees, namely, 1. K. Nagaraj, 2. A. Venkatesh, 3. Chikkanna, 4. K. S. Nanjundaiah 5. P. N. Gopalakrishna, 6. Miss. Suguna, 7. M. Gopinath and 8. Miss. Sarah, have settled their claims in full and hence the dispute does not service any more. Except Mr. P. V. George and Sri K. S. Vasanth, all employees mentioned above have been paid their salaries and other dues in accordance with the rules. The said employees

have expressed their regrets for what had happened and have submitted individually another memorandum offering voluntary and unconditional appologies and have prayed the management to provide them the employment once again. The Management after considering their cases accepted the applogies and appointed them once again. Miss. Suguna and Sri Chikkanna did not turn up to press this issue. The said employees have also informed the Management that they have resigned from the Karnataka Commercial Employees Association, Bangalore. The other two employees, namely, P. V. George and K. S. Vasanth, have in separate letters dated 25th July 74 addressed to the management, have unconditionally and voluntarily withdrawn all the legal proceedings instituted by them and have received all their dues due to them in full and settled their claims. Hence the dispute does not survive any longer and the Court may dismiss the reference.

4. The second party also examined one Mr. V. Narasimha Murthy, Director of the IInd party, as M.W.I. His evidence is to the effect that Sri K. Nagaraj. Sri K. S. Nanjundaiah. Sri P. M. Gopalakrishna, Sri M. Gopinath and Miss. Sarah have come back to duty. The other persons have compromised the matter and taken their remuneration and have left the services. There is no ispute existing in view of the compromise and on account of this, that Ist Party workmen are not appearing and putting any statement. Hence the reference may be rejected

5. I find no reason to disbelieve evidence of M. W. I. which stands unrebutted. The first party workmen never appeared before this court and did not evince any interest in this Reference. In the circumstances, the reference is fit to be rejected.

6. In the result, I pass an award rejecting the reference. No costs.

P. SRINIVASACHARYA,
Presiding Officer,
Labour Court Bangalore.

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